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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,687	12/20/2000	Gal Almog	176/01922	5553

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EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/742,687	Applicant(s) ALMOG ET AL.	
	Examiner Johnna R. Loftis	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a final office action upon examination of application number 09/742687.

Claims 1-22 and 29-36 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments, with respect to rejection of claims 16 and 36 have been fully considered and are persuasive. The rejections under 35 USC 112 have been withdrawn.

3. Applicant's arguments with respect to rejection of claims 1-22, 29-36 under 35 USC 102 and 103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1-15, 17-22, 29-31 and 33-36 rejected under 35 U.S.C. 102(e) as being anticipated by Puram et al, US 6,289,340, hereinafter Puram.

As per **claim 1**, Puram teaches storing a database including a plurality of job openings (column 2, lines 44-50 – employers enter data regarding skills desired for available position); providing a worker record which includes one or more fields describing a worker's qualifications (column 2, lines 50-58 – candidates enter data regarding skills they possess and the level of those skills) and one or more fields describing a position desired by the worker (column 5, lines 35-43 – candidate enters preference data for desired position); and automatically determining by a processor, for at least one of the records in the job opening database, whether the job opening in the record matches the position desired by the worker and whether the worker's qualifications match the job opening in the record (column 7, lines 5-67 – the data matching phase takes place wherein matching candidates are determined).

As per **claim 2**, Puram teaches displaying data from one or more records of the job opening database which were determined to match the position desired by the worker and to which the worker qualifications match (column 7, lines 5-9 – candidates records are searched to find candidates that possess the skills listed by the employer as desired for the position).

As per **claim 3**, Puram teaches displaying the data from one or more records comprises displaying each record along with an indication of an attitude of an employer generating the job opening record toward the worker record (column 9, lines 20-34 – candidates are provided information about the frequency with which their qualifications match employer positions and are given feedback to show the candidate that he/she would have been considered for more positions if they had skill y or had z level of experience).

As per **claim 4**, Puram teaches the indication of the attitude of the at least one employer comprises an indication of whether the qualifications of the worker were viewed by the at least one employer (column 9, lines 20-34 – candidates are provided information about the frequency with which their qualifications match employer positions and are given feedback to show the candidate that he/she would have been considered for more positions if they had skill y or had z level of experience).

As per **claim 5**, Puram teaches the one or more fields describing a position desired by the worker comprises a field that states a salary range desired by the worker (column 5, lines 35-42 – candidate preference information inherently includes salary data since at column 8, line 61 – column 9, line 10 employers evaluated rates charged (=salary desired) by candidates).

As per **claim 6**, Puram teaches storing a database including a plurality of records of worker profiles (column 2, lines 50-58 – candidates enter data regarding skills they possess and the level of those skills; column 5, lines 35-43 – candidate enters preference data for desired position); providing a description of a job opening (column 2, lines 44-50 – employers enter data regarding skills desired for available position); storing the description of the job opening in a job opening database (column 2, lines 44-50 – employers enter data regarding skills desired for available position; “needs” data is stored in a storage medium); and automatically determining by a processor, for at least one of the records in the worker database, whether worker qualifications in the record matches the description of the job opening (column 7, lines 5-67 – the data matching phase takes place wherein matching candidates are determined).

As per **claim 7**, Puram teaches automatically suggesting changes by the processor in the description of the job opening such that the description matches a desired set of one or more

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records (column 7, lines 40-47 – employer modifies needs profile to yield a smaller or larger pool of candidates).

As per **claim 8**, Puram teaches storing the worker database comprises storing a database in which at least some of the records include a salary received by the worker represented by the record (column 5, lines 35-42 – candidate preference information inherently includes salary data since at column 8, line 61 – column 9, line 10 employers evaluated rates charged (=salary desired) by candidates).

As per **claim 9**, Puram teaches storing the worker database comprises storing records which include values for a predetermined set of fields (column 2, lines 50-58 – candidate enters skills data and a skill level associated with the skill also see Fig. 7) and providing the description of the job opening comprises providing values for fields compatible to the predetermined set of fields (column 2, lines 45-50 – skills needed and an associated skill level needed are stored also see Figs. 10 and 11a b).

As per **claim 10**, Puram teaches providing the description of the job opening comprises providing range values for one or more of the compatible fields (column 6, lines 1-15 – importance of skill is entered by the employer wherein the values of importance are selected from pre-defined values ranging from core strength to beneficial).

As per **claim 11**, Puram teaches stating a level of importance for one or more of the compatible fields (column 6, lines 1-15 – importance of skill is entered by the employer wherein the values of importance are selected from pre-defined values ranging from core strength to beneficial).

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As per **claim 12**, Puram teaches determining for at least one of the records whether the worker qualifications in the record match the job opening description comprises determining which of a plurality of the records match the job opening description (column 7, lines 5-9 – candidates records are searched to find candidates that possess the skills listed by the employer as desired for the position).

As per **claim 13**, Puram teaches providing a list of the workers represented by the matching records to an employer (column 7, lines 5-67 – matching candidates are provided to the employer).

As per **claim 14**, Puram teaches selecting the employer workers who are of interest to the employer, and indicating to the selected workers that they have been selected by the employer (column 8, lines 34-46 – selected candidates are contacted to confirm their availability for the position).

As per **claim 15**, Puram teaches indicating to the selected workers comprises marking a job opening description of the employer with a special indication in displaying lists of job opening descriptions to the selected workers (column 9, lines 20-34 – candidates are provided information about the frequency with which their qualifications match employer positions and are given feedback to show the candidate that he/she would have been considered for more positions if they had skill y or had z level of experience).

As per **claim 17**, Puram teaches determining for at least one of the records whether the worker qualifications in the record match the job opening description comprises selecting a predetermined number of records which most closely match the job opening description (column 7, lines 21-55).

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As per **claim 18**, Puram teaches scoring the candidate's skills and only returning those candidates who fall within a specified score without exceeded the maximum score (column 7, lines 48-67).

As per **claim 19**, Puram teaches providing a different description of a job opening responsive to the determination and repeating the determining with the provided different description (column 7, lines 40-47 – employer modifies needs profile to yield a smaller or larger pool of candidates).

As per **claim 20**, Puram teaches descriptions of the job openings in the job opening database comprise a plurality of fields and wherein the different description of a job opening is different from the previously provided description in substantially only one field (column 7, lines 40-47 – employer modifies needs profile to yield a smaller or larger pool of candidates; i.e. employer may raise or lower the skill level for only one skill thereby resulting in a difference of only one field of skill level).

As per **claim 21**, Puram teaches displaying data from one or more worker records that were determined to match the job opening description (column 7, lines 5-67 – candidates' records are searched to find a sub-pool of candidates that possess the skills listed by the employer as desired for the position).

As per **claim 22**, Puram teaches notifying the workers represented by the one or more records from which the data was displayed that the data was displayed (column 9, lines 20-33 – feedback is given to the candidates indicating frequency with which their qualifications match what an employer is looking).

Claims 23-28 (cancelled).

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As per **claim 29**, Puram teaches storing a database including a plurality of job openings (column 2, lines 44-50 – employers enter data regarding skills desired for available position); providing a worker record which includes one or more fields describing a worker's qualifications (column 2, lines 50-58 – candidates enter data regarding skills they possess and the level of those skills); and displaying information from one or more opening records comprises displaying each record along with an indication of an attitude of an employer generating the job opening record toward the worker record (column 9, lines 20-34 – candidates are provided information about the frequency with which their qualifications match employer positions and are given feedback to show the candidate that he/she would have been considered for more positions if they had skill y or had z level of experience).

As per **claim 30**, Puram teaches displaying the information comprises displaying information from at least one record along with an indication that the record was viewed by the employer (column 9, lines 20-33 – feedback is given to the candidates indicating frequency with which their qualifications match what an employer is looking).

As per **claim 31**, Puram teaches displaying the information comprises displaying information from at least one record along with an indication that the employer is interested in meeting the worker (column 8, lines 35-45 – a list of candidates is generated so the candidates can be contacted about the position).

As per **claim 33**, Puram teaches displaying the information comprises displaying a plurality of job opening records concurrently (column 8, lines 35-46 - upon determining that a match has occurred, the computer system returns a list of the names).

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As per **claim 34**, Puram teaches displaying the information comprises displaying to a worker (column 9, lines 20-33 – feedback is given to the candidates indicating frequency with which their qualifications match what an employer is looking).

As per **claim 35**, Puram teaches determining for at least one of the records in the job opening database comprises determining for substantially all the job opening records in the database, whether the job opening in the record matching the position desired by the worker and whether the worker's qualifications match the job opening in the record (column 7, lines 5-67 – candidates' records are searched to find a sub-pool of candidates that possess the skills listed by the employer as desired for the position).

As per **claim 36**, Puram teaches the determining whether the opening in the record matches the position desired by the worker and whether the worker's qualifications match the job opening in the record are performed substantially concurrently (column 7, lines 5-67 – candidates' records are searched to find a sub-pool of candidates that possess the skills listed by the employer as desired for the position).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 16 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram US 6,289,340.

As per **claim 16**, Puram teaches collecting rates charged by candidates (=salary) to compare to the market rate for given sets of skills. It would have been obvious to one of ordinary skill in the art at the time of the invention to graph the average salary of the matching records as graphing is a well known tool to display data in a user-friendly manner.

As per **claim 32**, Puram teaches displaying information according to the attitude of the employer (column 9, lines 20-34 – candidates are provided information about the frequency with which their qualifications match employer positions and are given feedback to show the candidate that he/she would have been considered for more positions if they had skill y or had z level of experience),but does not explicitly teach displaying the information comprises displaying information in different colors. However it is old and well known to color-code indicating marks as a way to differentiate between the marks. The addition of color-coding to the Puram system would allow for a more user-friendly system since colors are more eye-catching than just symbols alone.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6370510 – McGovern et al – employment recruiting system and method using a computer network for posting job openings and which provides for automatic periodic searching of the posted job openings

US 5164897 - Clark et al – automated method for selecting personnel matched to job criteria

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US 6873964 – Williams et al – method and system for recruiting personnel

US 6385620 – Kurzius et al – system and method for the management of candidate recruiting information

US 6587126 – Wakai et al – apparatus and method for displaying job list, and storage medium for such a program

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

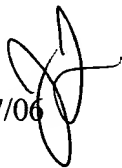
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

2/17/06



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